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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM HOWARD PAYNE,
Plaintiff,

v.

COL. RONALD MATHEWS,
Defendant.

Civil Action No. 7:06cv00203

FINAL ORDER

By: Jackson L. Kiser
Senior U.S. District Judge

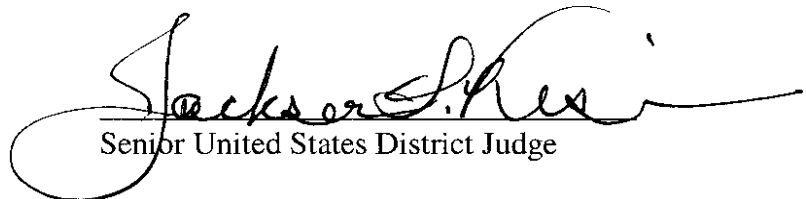
In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 42 U.S.C. §1997e(a), based on plaintiff's failure to exhaust administrative remedies before commencing this civil action, all other pending motions are hereby **DENIED as MOOT**, and this case is hereby **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants, if known.

ENTER: This 18th day of April, 2006.


Senior United States District Judge